

JS 44C/SDNY
REV. 12/2004

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

Pfizer Inc

DEFENDANTS

John Does 1-10, d/b/a E-Pharmacy Direct

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Wilmer Culter Pickering Hale and Dorr LLP

399 Park Avenue

New York, NY 10022 (212-230-8800)

ATTORNEYS (IF KNOWN)

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)

Trademark infringement arising under 15 U.S.C. § 1114(1)

Unfair competition arising under 15 U.S.C. § 1125(a)

Trademark dilution arising under 15 U.S.C. § 1125(c)

Has this or a similar case been previously filed in SDNY at any time? No ☒ Yes? ☐ Judge Previously AssignedIf yes, was this case Vol ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

ACTIONS UNDER STATUTES

CONTRACT		TORTS		FORFEITURE/PENALTY		BANKRUPTCY		OTHER STATUTES	
[] 110 INSURANCE	[] 310 AIRPLANE	[] 362 PERSONAL INJURY - MED MALPRACTICE	[] 610 AGRICULTURE	[] 422 APPEAL	[] 400 STATE REAPPORTIONMENT				
[] 120 MARINE	[] 315 AIRPLANE PRODUCT LIABILITY	[] 365 PERSONAL INJURY PRODUCT LIABILITY	[] 620 FOOD & DRUG	[] 423 WITHDRAWAL	[] 410 ANTITRUST				
[] 130 MILLER ACT	[] 320 ASSAULT, LIBEL & SLANDER	[] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	[] 625 DRUG RELATED SEIZURE OF PROPERTY	[] 430 BANKS & BANKING	[] 430 BANKS & BANKING				
[] 140 NEGOTIABLE INSTRUMENT	[] 330 FEDERAL EMPLOYERS' LIABILITY	[] 370 OTHER FRAUD	[] 630 LIQUOR LAWS	[] 450 COMMERCE/ICC RATES/ETC	[] 460 DEPORTATION				
[] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[] 340 MARINE LIABILITY	[] 371 TRUTH IN LENDING	[] 640 RR & TRUCK	[] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)	[] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)				
[] 151 MEDICARE ACT	[] 345 MARINE PRODUCT LIABILITY	[] 380 OTHER PERSONAL PROPERTY DAMAGE	[] 650 AIRLINE REGS	[] 480 CONSUMER CREDIT	[] 480 CONSUMER CREDIT				
[] 152 RECOVERY OF DEFAULTED STUDENT LOANS (EXCL VETERANS)	[] 350 MOTOR VEHICLE	[] 385 PROPERTY DAMAGE PRODUCT LIABILITY	[] 660 OCCUPATIONAL SAFETY/HEALTH	[] 490 CABLE/SATELLITE TV	[] 490 CABLE/SATELLITE TV				
[] 153 RECOVERY OF OVERPAYMENT OF VETERANS BENEFITS	[] 355 MOTOR VEHICLE PRODUCT LIABILITY		[] 690 OTHER	[] 810 SELECTIVE SERVICE	[] 810 SELECTIVE SERVICE				
[] 160 STOCKHOLDERS SUITS	[] 360 OTHER PERSONAL INJURY			[] 850 SECURITIES/COMMODITIES/EXCHANGE	[] 850 SECURITIES/COMMODITIES/EXCHANGE				
[] 190 OTHER CONTRACT				[] 875 CUSTOMER CHALLENGE	[] 875 CUSTOMER CHALLENGE				
[] 195 CONTRACT PRODUCT LIABILITY				[] 891 AGRICULTURE ACTS	[] 891 AGRICULTURE ACTS				
[] 196 FRANCHISE				[] 892 ECONOMIC STABILIZATION ACT	[] 892 ECONOMIC STABILIZATION ACT				
				[] 893 ENVIRONMENTAL MATTERS	[] 893 ENVIRONMENTAL MATTERS				
				[] 894 ENERGY ALLOCATION ACT	[] 894 ENERGY ALLOCATION ACT				
				[] 895 FREEDOM OF INFORMATION ACT	[] 895 FREEDOM OF INFORMATION ACT				
				[] 900 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE	[] 900 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE				
				[] 950 CONSTITUTIONALITY OF STATE STATUTES	[] 950 CONSTITUTIONALITY OF STATE STATUTES				
				[] 890 OTHER STATUTORY ACTIONS	[] 890 OTHER STATUTORY ACTIONS				

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.? IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint
JURY DEMAND: ☐ YES ☒ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(SEE REVERSE)

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- ☒ 1 Original Proceeding
 ☐ 2 Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from (Specify District)
 ☐ 6 Multidistrict Litigation
 ☐ 7 Appeal to District Judge from Magistrate Judge Judgment

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

- ☐ 1 U.S. PLAINTIFF
 ☐ 2 U.S. DEFENDANT
 ☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY)
 ☐ 4 DIVERSITY

IF DIVERSITY, INDICATE
CITIZENSHIP BELOW.
(28 USC 1332, 1441)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF [] 1	DEF [] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF [] 3	DEF [] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF [] 5	DEF [] 5
CITIZEN OF ANOTHER STATE	[] 2	[] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[] 4	[] 4	FOREIGN NATION	[] 6	[] 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Pfizer Inc
 235 East 42nd Street
 New York, NY 10017

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Unknown

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

John Does 1-10, d/b/a E-Pharmacy Direct

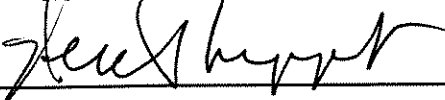
Check one: THIS ACTION SHOULD BE ASSIGNED TO:
(DO NOT check either box if this a PRISONER PETITION.)

☐ WHITE PLAINS

☐ FOLEY SQUARE

DATE
 02/09/05
 RECEIPT #

SIGNATURE OF ATTORNEY OF RECORD



ADMITTED TO PRACTICE IN THIS DISTRICT

☐ NO
☒ YES (DATE ADMITTED Mo. 05 Yr. 1973)
 Attorney Bar Code # 1338613

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

J Michael McMahon, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

OFFICE COPY

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

PFIZER INC, a Delaware Corporation,

Plaintiff,

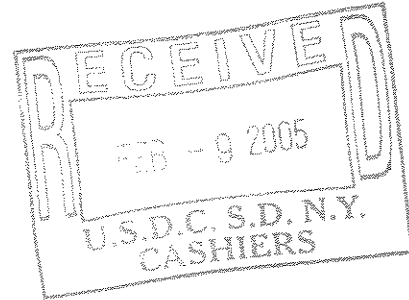
v.

JOHN DOES 1-10 d/b/a E-PHARMACY
DIRECT,

Defendants.

05 CV

COMPLAINT



PFIZER INC ("Pfizer") by its attorneys, for its Complaint against Defendants JOHN DOES 1-10 d/b/a E-PHARMACY DIRECT (collectively "Defendants"), alleges as follows:

NATURE OF THE ACTION

1. This is an action by Pfizer against Defendants for:
 - a) trademark infringement arising under 15 U.S.C. § 1114(1);
 - b) unfair competition arising under 15 U.S.C. § 1125(a);
 - c) trademark dilution arising under 15 U.S.C. § 1125(c);
 - d) trademark infringement and unfair competition in violation of New York common law;
 - e) injury to business reputation and dilution in violation of Section 360-1 of the New York General Business Law; and
 - f) deceptive trade practices in violation of Section 349 of the New York General Business Law.

THE PARTIES

2. Pfizer Inc is a corporation organized and existing under the laws of the State of Delaware and has its principal place of business at 235 East 42nd Street, New York, New York 10017.

3. The true names and capacities of Defendants named herein as John Does 1 through 10 are unknown to Pfizer. Defendants operate an Internet pharmacy and are doing business as "E-Pharmacy Direct" located at "http://www.myepharma direct.com." At the interactive <myepharma direct.com> website, Defendants advertise, promote, offer for sale, sell and distribute an alleged sildenafil product as "VIAGRA" in United States commerce, including within this judicial district. Neither the <myepharma direct.com> website nor the WHOIS report provide contact information for the Defendants. Pfizer believes that information obtained in discovery will lead to the identification of each Defendant's true name and permit Pfizer to amend this Complaint to state the same.

JURISDICTION AND VENUE

4. This Court has original jurisdiction under 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331, 1338(a) and (b), and has supplemental jurisdiction under 28 U.S.C. § 1367(a).

5. This Court has personal jurisdiction over Defendants pursuant to CPLR 302(a) because they are transacting business and committing tortious acts within the State of New York and this judicial district.

6. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391.

PFIZER'S BUSINESS AND ITS FEDERALLY REGISTERED TRADEMARKS

7. Pfizer is one of the world's leading health care companies that, among other things, discovers, develops and markets ethical drugs that are sold under Pfizer brand names. Pfizer has invested enormous sums of money in research and development to establish and bring to market a wide variety of innovative pharmaceutical products, and in the process has created a strong reputation for the high quality and effectiveness of its pharmaceuticals.

8. In one instance, Pfizer expended extensive resources on research and development of a new drug having the generic chemical name sildenafil citrate, the first approved oral medication for erectile dysfunction. Pfizer chose the brand name VIAGRA® for this medication. Erectile dysfunction is a serious medical condition estimated to affect more than 20 million men in the United States and over 100 million men worldwide. The availability of Pfizer's VIAGRA® brand sildenafil citrate, taken as a single tablet, represents a major medical breakthrough. This is evidenced by the Food and Drug Administration's ("FDA") expedited review and approval of this product in only six months.

9. The FDA approved Pfizer's VIAGRA® brand oral therapy for erectile dysfunction on March 27, 1998; and since shortly thereafter, Pfizer has marketed sildenafil citrate in the United States exclusively under its registered trademark VIAGRA®.

10. Even prior to FDA approval, Pfizer's VIAGRA® product received enormous media attention, including a cover story in Newsweek magazine and discussions on such popular television programs as "20/20" and "Today." The approval was highly publicized, including front-page coverage in the New York Times the following day, and feature articles in other major publications such as USA Today. Since then, VIAGRA® brand sildenafil citrate has been the subject of intense media attention, public scrutiny and commentary. By virtue of this extensive publicity, and Pfizer's own post-approval advertising, promotion and consumer

education, Pfizer's VIAGRA® trademark became famous almost immediately after FDA approval in the spring of 1998.

11. Pfizer is the owner of United States Trademark Registration No. 2,162,548 for the trademark VIAGRA® covering a "compound for treating erectile dysfunction" claiming first use in commerce on April 6, 1998. The United States Patent and Trademark Office ("PTO") issued the VIAGRA registration on June 2, 1998. This federal trademark registration is valid, unrevoked, uncanceled and incontestable. A copy of Pfizer's VIAGRA® trademark registration is attached hereto as Exhibit A.

12. Pfizer's VIAGRA® trademark is a fanciful term having no denotative meaning. The mark is inherently distinctive both to the trade and the consuming public.

13. Pfizer's VIAGRA® trademark is universally recognized and relied upon as identifying Pfizer as the sole source of the drug, and as distinguishing Pfizer's product from the goods and services of others. As a result, the VIAGRA® trademark has acquired substantial goodwill and is an extremely valuable commercial asset.

14. Pfizer's VIAGRA® trademark is a famous and arbitrary mark which qualifies for the broadest scope of protection from infringement and unauthorized use available under law.

DEFENDANTS' UNLAWFUL CONDUCT

15. Defendants operate an online pharmacy under the name "E-Pharmacy Direct" via an interactive website located at <myepharma direct.com>.

16. Upon information and belief, Defendants are sophisticated, large scale spammers who use Pfizer's VIAGRA® trademark in their spam to solicit consumers to visit the <myepharma direct.com> website. Upon information and belief, Defendants' "spam" contains falsified information and is routed through open proxies and hijacked computers around the world.

17. On and through the <myepharmaeydirect.com> website and spam, Defendants use Pfizer's federally registered VIAGRA® trademark to offer for sale, advertise, promote and sell an alleged sildenafil citrate product. A copy of pages from Defendants' <myepharmaeydirect.com> website, printed on February 8, 2005, is attached hereto as Exhibit B.

18. On the <myepharmaeydirect.com> website, Defendants claim that their purported "VIAGRA" product is "a phosphodiesterase inhibitor used to treat erectile dysfunction (ED)." Defendants feature their alleged "VIAGRA" product on the <myepharmaeydirect.com> homepage by depicting a blue pill under the "VIAGRA" mark which links to the "VIAGRA" section of the website. The <myepharmaeydirect.com> homepage contains an additional "VIAGRA" link that also transports the Internet user to the "VIAGRA" section of the website. Upon information and belief, the product sold by Defendants under the federally registered VIAGRA trademark is not Pfizer's genuine VIAGRA® brand sildenafil citrate. Defendants' use of the VIAGRA mark in connection with a product that is not Pfizer's genuine VIAGRA® brand sildenafil citrate is unauthorized.

19. Defendants' interactive website lists three different quantities of the purported VIAGRA product that are available for sale, ranging from 10 to 90 tablets and ranging in price from \$85.00 to \$378.00. After an online consumer orders the product by clicking "BUY" and filling out an online form, the purported "VIAGRA" product is shipped directly to the consumer, including consumers in this judicial district. Upon information and belief, Defendants fill online orders with pills that are manufactured by third parties not affiliated with Pfizer.

20. Upon information and belief, Defendants' purported sildenafil citrate product has not been approved by the FDA for sale in the United States, has not been approved by the FDA as "bioequivalent" to Pfizer's VIAGRA® brand sildenafil citrate product, and the manufacturing

facilities that produce Defendants' product have not been approved by the FDA for the manufacture of any purported sildenafil citrate product.

21. Defendants' sale and import into the United States of the purported sildenafil citrate product is in violation of United States law including, but not limited to, the Federal Food, Drug and Cosmetic Act, 21 U.S.C. § 301 et. seq., 21 U.S.C. § 381(d)(i) [importation into the United States by anyone other than the manufacturer], 21 U.S.C. § 355 [unapproved drug], 21 U.S.C. § 352 [improper or unapproved labeling], and/or 21 U.S.C. § 353(b)(1) [dispensed without a valid prescription].

22. Furthermore, upon information and belief, the purported sildenafil citrate product sold by Defendants is not manufactured in the United States but imported from a country or countries in contravention to the General Exclusion Order entered on February 6, 2004, by the United States International Trade Commission, In the Matter of Certain Sildenafil or Any Pharmaceutically Acceptable Salt Thereof, such as Sildenafil Citrate, and Products Containing Same, Inv. No. 337-TA-489.

23. Defendants' use of the VIAGRA® trademark as described herein is unauthorized. Defendants intentionally use Pfizer's registered trademark to compete directly and unfairly with the products and services offered under Pfizer's federally registered VIAGRA® mark. Defendants' actions dilute the distinctive quality of the famous VIAGRA® trademark, injure Pfizer's reputation as the source of high quality pharmaceutical products, and is a willful and deliberate attempt to trade unlawfully upon the goodwill associated with the VIAGRA® trademark.

**FIRST CLAIM FOR RELIEF
TRADEMARK INFRINGEMENT**

24. Pfizer repeats the allegations of paragraphs 1 through 23 of its Complaint.

25. Defendants' unauthorized use in commerce of the VIAGRA® trademark in connection with the advertising, sale, offering for sale, and distribution of a purported sildenafil citrate product, is likely to cause consumer confusion as to the source, sponsorship or affiliation of its products with Pfizer.

26. The aforesaid activities of Defendants constitute trademark infringement in violation of Section 32(1) of the Lanham Act, 15 U.S.C. § 1114(1).

27. The acts of Defendants have been intentional, willful and in bad faith.

28. The acts of Defendants have caused and are causing great and irreparable harm and damage to Pfizer, and unless permanently restrained and enjoined by this Court, such irreparable harm will continue.

29. Pfizer is entitled to recover as damages Defendants' profits from their sale of their purported "VIAGRA" product.

**SECOND CLAIM FOR RELIEF
FEDERAL UNFAIR COMPETITION**

30. Pfizer repeats the allegations of paragraphs 1 through 23 of its Complaint.

31. Defendants are using in commerce the VIAGRA® trademark in connection with the advertising, sale, offering for sale and distribution of a purported sildenafil citrate product.

32. These aforesaid activities constitute the use of words, terms, names, symbols and devices and combinations thereof, false designations of origin and false and misleading representations of fact that are likely to cause confusion or to cause mistake or to deceive as to the affiliation, connection or association of Defendants with Pfizer, or as to the origin, sponsorship or approval of Defendants' goods, services or other commercial activities by Pfizer.

33. Upon information and belief, Defendants had actual knowledge of Pfizer's ownership of the VIAGRA® trademark and Defendants are committing the foregoing acts with full knowledge that they are infringing upon Pfizer's rights.

34. Defendants' activities as set forth above constitute violations of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

35. Defendants have acted willfully, intentionally and in bad faith.

36. The acts of Defendants have caused and are causing great and irreparable harm and damage to Pfizer, and unless permanently restrained and enjoined by this Court, such irreparable harm will continue.

37. Pfizer is entitled to recover as damages Defendants' profits from their sale of their purported "VIAGRA" product.

**THIRD CLAIM FOR RELIEF
FEDERAL DILUTION**

38. Pfizer repeats the allegations of paragraphs 1 through 23 of its Complaint.

39. Pfizer's VIAGRA® trademark is famous and distinctive.

40. Defendants' use in commerce of the VIAGRA® trademark is without the permission, consent or authorization of Pfizer and is likely to dilute by blurring the reputation of Pfizer's unique, distinctive and famous trademark, thereby diminishing its value.

41. Defendants commenced the use of the VIAGRA trademark after Pfizer's VIAGRA® mark became famous.

42. Upon information and belief, Defendants' adoption and use of the VIAGRA trademark was undertaken in bad faith and in disregard of the resultant damage and injury to Pfizer and its VIAGRA® trademark.

43. The acts of Defendants constitute dilution of the distinctive quality of the famous VIAGRA® trademark in violation of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

44. The acts of Defendants have been intentional, willful and committed in bad faith.

45. The acts of Defendants have caused and are causing great and irreparable harm and damage to Pfizer and, unless preliminarily and permanently restrained and enjoined by this Court, such irreparable harm will continue.

**FOURTH CLAIM FOR RELIEF
COMMON LAW TRADEMARK INFRINGEMENT**

46. Pfizer repeats the allegations of paragraphs 1 through 23 of its Complaint.

47. The acts of Defendants constitute trademark infringement in violation of New York common law.

48. The acts of Defendants have caused and are continuing to cause great and irreparable harm to Pfizer and, unless permanently restrained and enjoined by this Court, such irreparable harm will continue.

**FIFTH CLAIM FOR RELIEF
COMMON LAW UNFAIR COMPETITION**

49. Pfizer repeats the allegations of paragraphs 1 through 23 of its Complaint.

50. The acts of Defendants constitute unfair competition in violation of New York common law.

51. The acts of Defendants have caused and are continuing to cause great and irreparable harm to Pfizer and, unless permanently restrained and enjoined by this Court, such irreparable harm will continue.

**SIXTH CLAIM FOR RELIEF
INJURY TO BUSINESS REPUTATION AND
DILUTION UNDER NEW YORK LAW**

52. Pfizer repeats the allegations of paragraphs 1 through 23 of its Complaint.

53. Defendants' aforesaid acts constitute injury to business reputation and dilution of the quality of Pfizer's distinctive VIAGRA® mark in violation of Section 360-1 of the New York General Business Law.

54. Upon information and belief, Defendants' adoption and use of the VIAGRA® mark is intended to appropriate and trade upon the goodwill and reputation associated with Pfizer's famous VIAGRA® trademark, and was undertaken in bad faith and in disregard of the resultant damage and injury to Pfizer and its trademark.

55. Defendants' aforesaid acts have caused and are causing great and irreparable harm and damage to Pfizer, and unless preliminarily and permanently restrained by this Court, said irreparable injury will continue.

**SEVENTH CLAIM FOR RELIEF
DECEPTIVE TRADE PRACTICES UNDER NEW YORK LAW**

56. Pfizer hereby repeats the allegations of paragraphs 1 through 23 of its Complaint.

57. Defendants' aforesaid acts constitute deceptive trade practices in violation of Section 349 of the New York General Business Law.

58. Defendants' aforesaid acts were committed willfully.

59. Defendants' aforesaid acts have caused and are causing great and irreparable harm and damage to Pfizer, and unless preliminarily and permanently restrained by this Court, said irreparable injury will continue.

PRAYER FOR RELIEF

WHEREFORE, Pfizer respectfully requests judgment against Defendants as follows:

A. Preliminarily and permanently enjoining and restraining Defendants and their respective partners, agents, servants, employees and attorneys, and those persons in active concert or participation with Defendants from:

1. Using the designation "VIAGRA", or any other mark, term or title confusingly similar to the VIAGRA® trademark, in connection with the marketing, sale, offering for sale, advertisement or promotion (including on the Internet) of pharmaceutical, medical, or healthcare products;

2. Representing by any means whatsoever, directly or indirectly, or doing any other acts or things calculated or likely to cause confusion, mistake or to deceive purchasers into believing that Defendants' products originate with or are the products of Pfizer or that there is any affiliation or connection between Pfizer and its products and Defendants or their products, and from otherwise competing unfairly with Pfizer;

3. Falsely claiming or otherwise implying any product they sell is the same as, equivalent to, as effective as, a substitute for, or a replacement for VIAGRA® brand sildenafil citrate;

4. Using any mark in a manner so as to cause the dilution of the distinctive quality of Pfizer's VIAGRA® trademark; and

5. Registering or using any Internet domain name that uses the VIAGRA® mark, or any colorable imitation thereof.

B. Directing that Defendants, at their own expense, recall all products and marketing, promotional and advertising materials and deactivate any websites that bear or incorporate the VIAGRA® mark or any mark confusingly similar to Pfizer's trademarks, which have been manufactured, distributed, sold or shipped by them, and to reimburse all customers from which said materials are recalled.

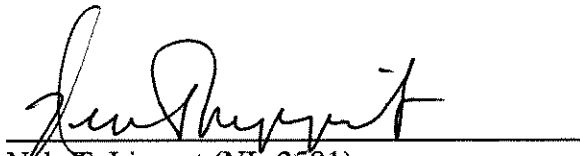
- C. Directing that Defendants deliver to Pfizer's attorneys or representatives for destruction all products, labels, signs, prints, packages, molds, plates, dies, wrappers, receptacles and advertisements in their possession or under their control, bearing the VIAGRA® mark or any simulation, reproduction, copy or colorable imitation of Pfizer's trademarks, and all plates, molds, matrices and any other means of making the same.
- D. Directing such other relief as the Court may deem appropriate to prevent the trade and public from forming any erroneous impression that any product manufactured, sold or otherwise distributed or promoted by Defendants is authorized by Pfizer or related in any way to Pfizer's products.
- E. Directing Defendants to file with this Court and to serve upon Pfizer within thirty (30) days after service upon Defendants of an injunction in this action, a written report by Defendants, under oath, setting forth in detail the manner in which Defendants have complied with the injunction.
- F. Awarding Pfizer as damages Defendants' profits from their sale of the purported sildenafil citrate product.
- G. Awarding Pfizer all damages permitted by 15 U.S.C. § 1117(a), trebled.
- H. Awarding Pfizer all damages permitted by 15 U.S.C. § 1117(d).
- I. Awarding Pfizer damages by reason of Defendants' acts of common law trademark infringement in an amount to be established at trial.
- J. Awarding Pfizer punitive damages by reason of Defendants' willful, intentional and malicious acts of common law trademark infringement and unfair competition, in an amount to be established at trial.
- K. Awarding Pfizer reasonable attorneys' fees pursuant to 15 U.S.C. § 1117(a), and the costs of this action.

L. Awarding Pfizer such further relief as this Court deems just and proper.

Dated: New York, New York
February 9, 2005

Respectfully submitted,

WILMER CUTLER PICKERING
HALE and DORR LLP

A handwritten signature in black ink, appearing to read 'Nels T. Lippert', is written over a horizontal line.

Nels T. Lippert (NL-2581)
Dyan Finguerra-DuCharme (DF-9228)
Caren Khoo (CK-2972)
399 Park Avenue
New York, New York 10022
Tel. 212-230-8800
Fax. 212-230-8888

Attorneys for Plaintiff Pfizer Inc

A

The United States of America



CERTIFICATE OF REGISTRATION
PRINCIPAL REGISTER

The Mark shown in this certificate has been registered in the United States Patent and Trademark Office to the named registrant.

The records of the United States Patent and Trademark Office show that an application for registration of the Mark shown in this Certificate was filed in the Office, that the application was examined and determined to be in compliance with the requirements of the law and with the regulations prescribed by the Commissioner of Patents and Trademarks, and that the Applicant is entitled to registration of the Mark under the Trademark Act of 1946, as Amended.

A copy of the Mark and pertinent data from the application are a part of this certificate.

This registration shall remain in force for TEN (10) years, unless terminated earlier as provided by law, and subject to compliance with the provisions of Section 8 of the Trademark Act of 1946, as Amended.



Bence Lehman

Commissioner of Patents and Trademarks

Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51, and 52

Reg. No. 2,162,548

United States Patent and Trademark Office

Registered June 2, 1998

**TRADEMARK
PRINCIPAL REGISTER**

VIAGRA

**PFIZER INC. (DELAWARE CORPORATION)
235 EAST 42ND STREET
NEW YORK, NY 10017**

**FIRST USE 4-6-1998; IN COMMERCE
4-6-1998.**

SN 75-089,201, FILED 4-12-1996.

**FOR: COMPOUND FOR TREATING ERECTILE
DYSFUNCTION. IN CLASS 5 (U.S. CLS. 6,
18, 44, 46, 51 AND 52).**

BALDEV SARAI, EXAMINING ATTORNEY

B

E-PharmacyDirect

**24-hour
SUPPORT**

[Home](#)
[About Us](#)
[FAQ](#)
[Privacy](#)

www.myepharmaCydirect.com

Men Health

[Cialis](#)
[Levitra](#)
[Viagra](#)
[Pain Controller](#)
[Vioxx Rofecoxib](#)
[Ultram Tramadol](#)
[Celebrex Celecoxib](#)
[Soma Carisoma](#)
[Stop Smoking](#)
[Zyban Bupropione](#)
[Anti-Depression](#)
[Prozac Fluoxetine](#)
[Zoloft Sertraline](#)
[Paxil Paroxetine](#)
[Anti-Allergic](#)
[Allegra Fexofenadine](#)
[Zyrtec Citrazine](#)
[Cholesterol-Lowering](#)
[Zocor Simvastatin](#)
[Lipitor Atrovastatin](#)
[Gastro-Intestinal](#)
[Nexium Esmeopazole](#)
[Prilosec Omeprozole](#)
[Others](#)
[Zorvirax Acyclovir](#)
[Xenical Orlistate](#)
[Human Growth HGH 2000](#)
[Propecia Finestrade](#)

Health Care

from the Comfort of Home!

No Appointments.
No Waiting Rooms.
No Prior Prescription Required.

- Prescription Medications
- Free Online Medical Consultations
- Simple Online Ordering System
- Guaranteed Lowest Prices



CIALIS \$ 150.00	LEVITRA \$ 173.00	VIAGRA \$ 168.00
LIPITOR \$ 99.99	ZOCOR \$ 99.99	SOMA \$ 152.10

© 2003 E-Pharmacy Direct . All Rights Reserved.

The products mentioned are trademarks of their respective owners and are not owned by or affiliated with Pharmacy Direct, or any of it's affiliated companies.

E-PharmacyDirect

24-hour SUPPORT


[Home](#)
[About Us](#)
[FAQ](#)
[Privacy](#)

www.myepharmairect.com

Men Health

[Cialis](#)
[Levitra](#)
[Viagra](#)
[Pain Controller](#)
[Vioxx Rofecoxib](#)
[Ultram Tramadol](#)
[Celebrex Celecoxib](#)
[Soma Carisoma](#)
[Stop Smoking](#)
[Zyban Bupropione](#)
[Anti-Depression](#)
[Prozac Fluoxetine](#)
[Zoloft Sertraline](#)
[Paxil Paroxetine](#)
[Anti-Allergic](#)
[Allegra Fexofenadine](#)
[Zyrtec Citrazine](#)
[Cholesterol-Lowering](#)
[Zocor Simvastatin](#)
[Lipitor Atrovastatin](#)
[Gastro-Intestinal](#)
[Nexium Esmeprozole](#)
[Prilosec Omeprozole](#)
[Others](#)
[Zorvirax Acyclovir](#)
[Xenical Orlistate](#)
[Human Growth HGH 2000](#)
[Propecia Finestrade](#)

Viagra

Generic Name
Sildenafil

Our Products

The Generic Equivalent to

Size

Quantity

Our Price

Vioxx Rofecoxib				10 tablets	\$85.00	BUY
Ultram Tramadol				30 tablets	\$168.00	BUY
	Viagra	Viagra	100 mg	60 tablets	\$282.00	BUY
Celebrex Celecoxib				90 tablets	\$378.00	BUY
Soma Carisoma						BUY

General Directions

Follow the directions for using this medicine provided by your doctor. TAKE THIS MEDICINE about 1 hour before sexual activity, although it may be taken from 30 minutes to 4 hours before sexual activity. STORE THIS MEDICINE at room temperature between 59 and 86 degrees F (15 and 30 degrees C) in a tightly-closed container, away from heat and light.

Medical Uses

This medicine is a phosphodiesterase inhibitor used to treat erectile dysfunction (ED)

Side Effects

SIDE EFFECTS that may occur while taking this medicine include headache, flushing, upset stomach, stuffy nose, diarrhea, blurred vision, changes in blue or green vision, or increased light sensitivity. If they continue or are bothersome, check with your doctor. CHECK WITH YOUR DOCTOR AS SOON AS POSSIBLE if you experience prolonged abnormal, painful erections. AN ALLERGIC REACTION TO THIS MEDICINE is unlikely, but seek immediate medical attention if it occurs. Symptoms of an allergic reaction include rash, itching, swelling, dizziness, or trouble breathing. If you notice other effects not listed above, contact your doctor, nurse, or pharmacist.

Precautions

DO NOT EXCEED THE RECOMMENDED DOSE without checking with your doctor. DO NOT TAKE THIS MEDICINE MORE THAN once a day. DO NOT TAKE THIS MEDICINE IF YOU TAKE OR USE NITROGLYCERIN, including nitroglycerin tablets, patches, or ointment, OR OTHER NITRATES, such as isosorbide. If you are not sure whether a certain medicine is a nitrate, contact your doctor or pharmacist. USE OF THIS MEDICINE WILL NOT PREVENT the spread of sexually transmitted diseases (STDs), including human immunodeficiency virus (HIV). BEFORE YOU BEGIN TAKING ANY NEW MEDICINE, either prescription or over-the-counter, check with your doctor or pharmacist.

Drug Interactions

Tell your doctor of all nonprescription and prescription medication you may use, especially any nitrate medications (e.g., nitroglycerin, isosorbide dinitrate), nitroprusside (any "nitric oxide donor" medicines), cimetidine, erythromycin, azole antifungals (e.g., itraconazole, ketoconazole), mibefradil, rifamycins (e.g., rifampin), high blood pressure medicines, any other drug used to treat impotence, such as alprostadil (Caverject, Muse, Edex) or yohimbine (Yocon, Yodoxin, others)

Missed Dose

Viagra is not for regular use. Take it only before sexual activity.

Storage

Store at room temperature between 59 and 86 degrees F (15-30 degrees C) away from light and moisture. Keep this and all medications out of the reach of children.

Notes

Do not share Viagra with others, since they may have a problem that is not effectively treated by this drug.
Use of this drug does not protect against sexually transmitted diseases (e.g., HIV, Hepatitis B, gonorrhea).
DO NOT take more than 1 tablet daily.

© 2003 E-Pharmacy Direct . All Rights Reserved.

The products mentioned are trademarks of their respective owners and are not owned by or affiliated with Pharmacy Direct, or any of it's affiliated companies.

E-
PharmacyDirect

24-hour
SUPPORT



Secure 128Bit Order Processing

Product Name	Price
Generic Viagra 100 mg 10 Tablets	\$ 85.00
Shipping and Handling	\$ 19.95
Total:	\$ 104.95

Billing Information

First Name:
Last Name:
Address:
City:
State:
Zip:
Country:

Telephone Number:
Email Address:
Confirm Email:

Credit Card Information

Card Type:
Credit Card Number:
Security Code:
[INFO about Security Code](#)
Expiration: /



Shipping Information

First Name:
Last Name:
Address:
City:
State:
Zip:
Country:
Telephone Number:

General Medical Questionnaire

The information requested allows the Medical Doctor to review your request for prescription medication. Information will be treated confidentially and will not be released to third parties.

Date of Birth: Month Day Year * Must be Over 18 to order.

Height:

Weight:

 lbs

Sex:

 -Gender-

Please list all current medical conditions. Leave "None." if none.

Please list all over-the-counter and prescription medications that you are currently taking and the length of time for each. Leave "None." if none.

Please list all past or present allergies including allergies to any medications. Leave "None." if none.

Please list all past surgeries and provide details including the condition that was treated with each surgery. Leave "None." if none.

Is there anything additional in your medical history that you consider to be relevant? If yes, please specify. Leave "None." if none.

I agree not to take any over-the-counter medicines without approval from my pharmacist.

 Yes

I agree not to take medication if I am pregnant, breast-feeding, or trying to get pregnant.

 Yes

Do you take nitroglycerin or any medication classified as a nitrate in any form, including amyl nitrate (poppers)?

 No

Are you suicidal or suffering from severe depression?

 No

In order for Canadian Generics to fill your request, YOU MUST READ AND AGREE TO THE TERMS AND CONDITIONS OF THIS RELEASE.

Authorization and Consent

I accept, understand, and agree to the following:

- I am at least 18 years of age,
- I, the patient, have had a recent physical examination and medical history evaluation by a physician who is available for any necessary local follow-up care and intervention,

***I have read the waiver above, understand its contents, and agree to the terms.**

Yes ☐

Submit Order

**Please click on the submit button once to avoid duplicate charges.
Allow up to 3 minutes for order confirmation.**

*Orders are shipped USPS First class mail.
Please note orders may take 21 days to arrive.*